

CAUSE NO. 09-19-00097-CR

NATHANIEL ALLAN JOHNSON § **IN THE COURT OF APPEALS FOR**
§ **9th COURT OF APPEALS**
§ **BEAUMONT, TEXAS**
V. § **THE NINTH DISTRICT OF TEXAS,**
§ **CAROL ANNE HARLEY**
THE STATE OF TEXAS § **AT BEAUMONT, TEXAS**
Clerk

**STATE'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW the State of Texas, by the undersigned assistant district attorney, and moves the Court for an extension of time to file its appellate brief in the above-captioned case. The State would respectfully show the Court the following:

1. On March 21, 2019, a jury found the appellant guilty of assault of a family member by impeding breath, with a prior conviction, and assessed his punishment at life imprisonment.
2. The appellant filed his notice of appeal on March 21, 2019.
3. The appellant filed his brief on September 24, 2019.
4. The State's brief is due to be filed in this Court on November 25, 2019.
5. The State has previously requested one extension of time to file its brief.
6. The State hereby requests a 30-day extension of time to file its brief, until

December 26, 2019.

7. Good cause exists for the requested extension of time, for the following reasons:

In the past thirty days, the undersigned counsel for the State has been required to prepare and file the State's Motion to Designate Factual Issues for Resolution and proposed Order Designating Factual Issues for Resolution in the article 11.07 writ proceeding for *Ex parte Jason Jermaine Hadnot*, cause number 17-12-15586-CR(1);

Further, the undersigned counsel is assigned to represent the State in Montgomery County's misdemeanor expunction cases and has been required to attend to duties pursuant to that assignment.

Additionally, counsel was out of the office on November 7-8, 2019, due to illness in the family.

Lastly, our office was closed on November 11, 2019, in observation of Veteran's Day.

Consequently, counsel has not had sufficient time to prepare an adequate State's brief in this case.

THEREFORE, the State requests an extension of time to file its brief until December 26, 2019, in this case.

Respectfully submitted,

BRETT W. LIGON
District Attorney
Montgomery County, Texas

/s/ Amy Waddle
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was sent by e-mail to Mr. Jon A. Jaworski, attorney for the appellant, at jaaws@peoplepc.com, on the date of the filing of the original with the Clerk of this Court.

/s/ Amy Waddle
AMY WADDLE
Assistant District Attorney
Montgomery County, Texas